

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 7 and 10-16 are pending in the present application. Claims 1, 7, 15 and 16 are amended; and Claims 6 and 8-9 are canceled by the present amendment. Claims 1, 15 and 16 are amended to incorporate the features of Claims 6 and 8, and Claim 7 is amended to depend from Claim 1 instead of canceled Claim 6. No new matter is presented.

In the Office Action, Claim 17 is rejected under 35 U.S.C. § 101; Claims 1-7, 9-10 and 13-17 are rejected under 35 U.S.C. § 102(e) as anticipated by Jung et al. (U.S. 2004/0081434, herein Jung); Claim 8 is rejected under 35 U.S.C. § 103(a) as unpatentable over Jung in view of Seo et al. (U.S. 2004/0146279, herein Seo); and Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as unpatentable over Jung in view of Asato et al. (U.S. 7,302,158, herein Asato).

Regarding the rejection of Claim 17 under 35 U.S.C. § 101, Claim 17 is canceled, thereby rendering this rejection moot.

In response to the above noted rejections under 35 U.S.C. §§ 102 and 103, Applicants respectfully submit that amended independent Claims 1, 15 and 16 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, is amended to incorporate the features of Claim 8 and recites, in part, a playback apparatus for playing back an AV stream recorded on a removable recording medium and generating subtitle data for displaying subtitles corresponding to the AV stream, the playback apparatus comprising:

reading control means for controlling reading of first information including a character object and attribute data for displaying the subtitles from the recording medium or a storage unit within the playback apparatus;
first decoding means for decoding the AV stream whose reading is controlled by the reading control means;

second decoding means for decoding the first information whose reading is controlled by the reading control means;
counting means for ***obtaining a count value serving as a reference for processing timing for decoding of the AV stream by the first decoding means***;
calculation means for ***calculating a reference for processing timing for decoding of the first information by the second decoding means on the basis of the count value*** obtained by the counting means ...

Independent Claims 15 and 16, while directed to alternative embodiments, are similarly amended.

At p. 7, the Office Action concedes that Jung fails to disclose the above noted claimed features, as previously recited in dependent Claim 8. In an attempt to remedy this deficiency, the Office Action relies on Fig. 10 and paragraphs [0058-0068] of Seo. Applicants, however, respectfully submit that Seo fails to teach or suggest the claimed features for which it is asserted as a secondary reference under 35 U.S.C. § 103.

As described in paragraph [0062] of Seo, a presentation time stamp (PTS) is included in the transport stream (TS) and is separated by the TS DEMUX 121 before being fed into a decoder 130. A program clock reference (PCR) counter 131 then counts program clock reference information that is also included in the TS, which is separated by the TS DEMUX 121 before being fed into the decoder 130. Then, as described at paragraph [0068] of Seo, the PTS separated by the TS DEMUX 121 and the PCR count value are distributed to the video decoder 127, graphic decoder 128, and subtitle decoder 129, and when the PCR count value coincides with the pseudo PTS, the still picture data, graphic data, and subtitle data, are respectively reproduced.

Seo, therefore, describes that the PTS and PCR are included in the transport stream, and the subtitle data is displayed when the PTSs of the subtitle, video, audio and graphics match one another based on the PCR which is included in the TS. Independent Claim 1, in contrast, recite the features of “***obtaining a count value serving as a reference for processing timing for decoding of the AV stream by the first decoding means***” and

“calculating a reference for processing timing for decoding of the first information by the second decoding means on the basis of the count value obtained by the counting means”. In other words, the reference for processing timing for decoding (e.g., reproducing) the first information (e.g., subtitle information) is based not on a parameter included in a transport stream as in Seo, but is instead based on a count value serving as a reference for processing timing for decoding the information contained in the transport stream. Seo fails to teach or suggest this claimed feature.

As disclosed in an exemplary embodiment at paragraph [0452] of the published version of the originally filed disclosure (U.S. 2007/0172199), the container file in which the text subtitle stream is stored is a different file format that is not multiplexed with the Clip AV stream. Thus, as discussed at paragraph [0454], the container file “is prevented from having a PCR packet.” As a result, and as disclosed at paragraph [0493], the text subtitle processor 220, which decodes the text subtitle stream, assumes a global time base consistent in the playback apparatus 181 on the basis of the STC that is referred to when the AV stream in the Main Path is played back. The STC processor 231 calculates a time stamp on the basis of the time base and supplies the calculated time stamp to the text data decoder 232, which executes decoding in accordance with the supplied time stamp. Paragraph [0496] further describes that the text data decoder 232 decodes an elementary stream of supplied text subtitles on the basis of a PTS calculated by integrating the counted value of the STC counter 211 which is referred to by the Clip AV stream in the Main Path while considering the gap occurring due to the PlayItem switching.

Seo clearly fails to teach or suggest a similar configuration since all of the timing information (PTS and PCR) used to decode and reproduce the data included in the transport stream along with the still picture data, graphic data, and subtitle data. Therefore, Seo fails to teach or suggest the features of ***“obtaining a count value serving as a reference for***

*processing timing for decoding of the AV stream by the first decoding means” and
“calculating a reference for processing timing for decoding of the first information by the
second decoding means on the basis of the count value obtained by the counting means”, as
recited in amended independent Claims 1, 15 and 16.*

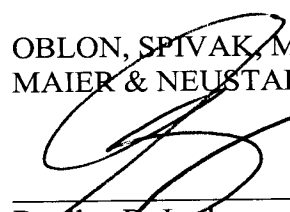
Further, Asato fails to remedy the above noted deficiencies of Jung and Seo.

Accordingly, Applicants respectfully request that the rejection of Claims 1-5, 7 and
10-16 under 35 U.S.C. §§ 102 and 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing
comments, it is respectfully submitted that the invention defined by Claims 1-5, 7 and 10-16
is patentably distinguishing over the applied references. The present application is therefore
believed to be in condition for allowance and an early and favorable reconsideration of the
application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Andrew T. Harry
Registration No. 56,959